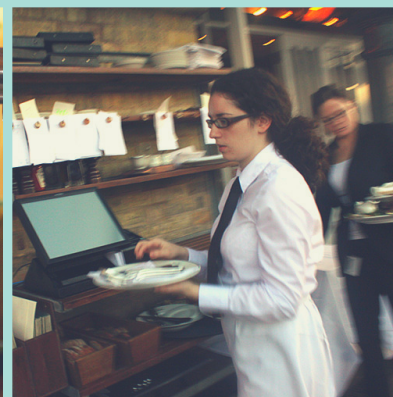
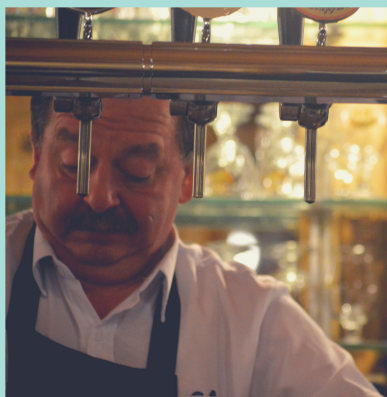
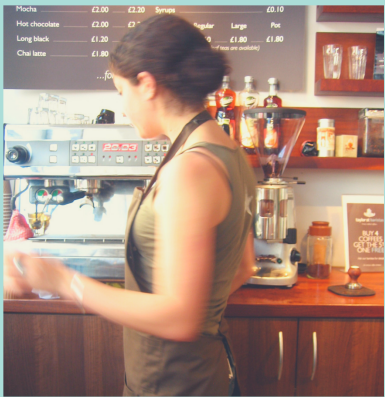


FEEDING NORTHAMPTON

Challenges and Opportunities
for Workers in the Northampton
Restaurant Industry



A REPORT BY THE PIONEER
VALLEY WORKERS CENTER AND
THE UNIVERSITY OF
MASSACHUSETTS LABOR CENTER



ABOUT THE AUTHORS

PIONEER VALLEY WORKERS CENTER

The Pioneer Valley Workers Center is a community organization based in Northampton and founded in 2013 that seeks to organize and develop conscious leadership among working class communities in Western Massachusetts. The work is fueled by low-wage and immigrant workers collaborating with our diverse partners to amplify local organizing into broader structural change. We act as a platform for these workers to develop leadership and innovative organizing campaigns to address their most pressing problems. Our approach combines organizing and movement building to improve individual lives as well as to create systemic change.

UMASS LABOR CENTER

The UMass Amherst Labor Center has been one of the nation's premier graduate programs in Labor Studies for over 50 years. The program also provides research support, hands on training and technical assistance to workers, union members and community organizations to help them fully and effectively represent an increasingly diverse membership, to train a new generation of leaders to face the challenges of the future, and to prepare all workers, organized and unorganized to exercise their full rights in the work place and the community.

ACKNOWLEDGEMENTS

The PVWC would like to thank all of the restaurant workers in Northampton who shared their experiences in the industry. Their insights and experiences identified the need for this report and their experiences are its foundation. We would also like to thank the dozens of students, volunteers and community members who have worked on this project. This project would not have been possible without their efforts.

Research and writing support was provided by Clare Hammonds (chammonds@soc.umass.edu) from the University of Massachusetts Labor Center.

EXECUTIVE SUMMARY

This study was conceived in 2013 after workers came to the Pioneer Valley Workers Center (PVWC) seeking help with employment issues. Staff at the PVWC were struck by how many of these workers were employed in the local restaurant industry. Research on the restaurant industry nationally has shown that these are some of the lowest paying jobs in our economy, and that workers are routinely subject to a range of issues from wage and hour violations, to sexual harassment and other forms of discrimination.ⁱ The majority of existing research, however, has emphasized the experience of restaurant workers in large metro areas, with little attention to how these dynamics might differ in the context of a smaller city. In order to identify the issues plaguing this industry, to uplift the voice of workers, and to identify systemic solutions, the PVWC partnered with the University of Massachusetts Amherst Labor Center to conduct research on the restaurant industry in Northampton. Over the course of two years more than 200 workers were surveyed, and another 22 were interviewed in-depth about their work.

Key Findings:

- **Wage theft** was a particularly salient problem as **65%** of those who worked in excess of 40 hours a week reported not receiving overtime and **22%** of respondents had worked off the clock in the last 12 months.
- Seventy-five percent (**75%**) of the workers surveyed reported that they **did not earn a living wage**.
- Although Massachusetts law requires that most employers now offer paid sick leave, few restaurant workers were aware of the law and **95%** of the workers surveyed reported that they **did not receive those benefits**.
- Although more than half of the workers surveyed were employed full-time, **few received benefits** like employer-provided health coverage, or vacation.

Despite the low-wages and difficult conditions workers face, our research reveals that it is also possible to run a successful business while providing living wages, necessary training, and creating career advancement opportunities. In fact over (22%) of the workers we surveyed did receive a living wage, demonstrating the potential of the industry to serve as a positive force for job creation in the community.

While this report identifies the widespread presence of violations of employment, discrimination and health and safety laws, these trends are not unique. What is unique about this community however, is the plethora of locally owned restaurants and their widespread commitment to producing and serving high quality, sustainably and ethically grown food. We believe, however, that for the industry to reach its full potential, and to create an economically sustainable model for our community, jobs in our restaurants should be good jobs that match the city's longstanding commitment to the sustainable food movement.

Policy Recommendations:

- Implement a **Wage Theft Prevention Ordinance** which would ensure that the city is not doing business with, or providing licenses to, firms that have been shown to be in violation of state or federal labor or employment laws.
- **Strengthen enforcement** of employment laws in the restaurant industry and make sure that violators are penalized.
- **Support collective organizing** for restaurant workers.
- Use opportunities to **create public awareness** and to enhance recognition for responsible employers.

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INTRODUCTION

The restaurant industry is one of the largest and fastest growing sectors of the Massachusetts economy. There are over 15,000 restaurants around the Commonwealth generating over \$13.8 billion in sales and making an important contribution to the state tax base.ⁱⁱ Over the next decade the size of the restaurant industry is expected to grow making it a key economic driver for the state.

The size of the restaurant industry means that it is also a critical employer, generating over 330,600 jobs in restaurants across the state. Although many of the jobs in this industry require substantial skills, few demand formal credentials making these jobs important entry points to the labor market, particularly for people of color, immigrants and young workers. In fact, nationally, the restaurant industry is the largest employer of workers born outside the United States.ⁱⁱⁱ

Despite its size and importance, many of the jobs in the industry are characterized by low wages, few benefits or opportunities for advancement, and exposure to poor and illegal workplace conditions. In fact, according to the Bureau of Labor Statistics, seven out of ten of the lowest paying jobs in our economy are in the restaurant industry.^{iv} Moreover, existing scholarship on the restaurant industry nationally has highlighted the poor conditions faced by immigrant and native workers alike, focusing in particular on discrimination, wage violations, and unsafe working conditions.^v

Turning our attention to Western Massachusetts, the city of Northampton is home to one of the most vibrant culinary scenes in the region, boasting an impressive array of ethnic restaurants, award winning bakeries and bustling cafés. In fact, in 2015 Huffington Post named the city of Northampton one of the, “16 U.S. Cities To Visit If All You Want To Do Is Eat.”^{vi} Taken together, the more than 100 restaurants that fill the downtown community employ over 1,600 workers and generate over \$7,675,500 in annual sales.^{vii}

Despite the importance of the restaurant industry to the community, there has been little attention paid to the specifics of working conditions in the industry. In this report we use primary research, a review of existing literature, and an analysis of government data to reveal that many restaurants in Northampton, similar to those across the nation, are creating and sustaining a low-wage industry where workers enjoy few benefits and rights on the job. Our survey reveals the widespread presence of wage theft and that many of the jobs created by the restaurant industry fail to support workers, their families and our communities at large.

This report is based on an analysis of public data sources, as well as a survey of over 200 restaurant workers across 85 restaurants in the Northampton community. This data was supplemented with in-depth interviews with 22 Northampton restaurant workers.

We begin with a review of this report’s methodology, before providing an in-depth examination of food systems work in Pioneer Valley. We then move on to provide a detailed examination of conditions faced by workers specifically in Northampton - a hub of the restaurant industry in the Pioneer Valley.

While the vast majority of workers in the restaurant industry continue to earn less than a living wage, and many face regular wage and hour violations, there are some promising best practices that have emerged and that offer possibilities of how restaurant employers and local municipalities can join together to improve practices in this important industry. The hope that this report can open a conversation with key

stakeholders as to how we can improve working conditions for vulnerable workers. To this end, the report concludes with a discussion of some policy suggestions.

METHODOLOGY

Data for this report comes from a variety of primary and secondary sources. This section reviews the methodology.

SURVEY

A face-to-face survey was conducted of Northampton restaurant workers between March 2014 and March 2016. The survey was administered by staff, members and volunteers from the Pioneer Valley Workers Center (PVWC). The PVWC is a community organization based in Northampton and founded in 2013 that seeks to organize and develop conscious leadership among working class communities in Western Massachusetts. The survey included about 100 questions and took approximately 20 minutes to complete. Interviewers were trained on how to administer the survey.

A total of 235 face-to-face surveys were conducted with workers in 85 unique restaurants. This is just under 20% of the workforce in the restaurant industry and approximately 85% of the total eating and drinking establishments.^{viii} Because of there is no complete list of all restaurant workers, and because of the fluid nature of restaurant work itself, it was not possible to conduct a totally random sample. Instead, in this study we use a form of convenience sampling.^{ix}

Interviewers located respondents leaving their work at a restaurant, approached people in a restaurant uniform, and simply asked individuals if they were employed in a restaurant. Initial workers were also asked to refer colleagues who would also be interested in completing the survey. Workers surveyed did not received any compensation for their participation. Our sample consists entirely of workers who were actively employed in a Northampton the restaurant industry at the time they completed the survey. Managers and owners were not included in this sample.

One of the limitations of this sampling methodology is that since it is not completely random, we are unable to make straightforward inferences from the sample surveyed to the population of restaurant workers as a whole. In order to deal with this limitation, we used an analysis of census data to generate quotas based on segment of the industry and occupation in an effort to ensure that each key industry segment and occupational group represented the same share of our sample as of the industry as a whole. The survey was also translated into Spanish and Chinese so that we could include workers whose first language is not English.

Access to some categories of workers - particularly back-of-the-house and immigrant workers - was a challenge throughout this process. Ensuring that all segments of the workforce, including these most difficult to reach populations were included, was one of the primary reasons that the data collection continued over the course of two years. See Appendix A for complete demographics of survey respondents.

Participants were not compensated for their participation. Confidentiality was extremely important to our participants. They were promised anonymity and that the results of the survey would only be used in the aggregate, rather than to point specifically to any one establishment.

INTERVIEW

Data from the survey was supplemented with in-depth interviews conducted by Adam Reid in 2015-2016. These interviews lasted roughly an hour and included a range of questions about working conditions and the experience of restaurant work. We were interested in learning how people entered the industry and how they saw their work. The interviews were transcribed. Selective quotes are used throughout this report to help illustrate many of the challenges faced by workers in the restaurant industry in Northampton. Names and identifying descriptors have been removed in order to protect the anonymity of the respondents

AMERICAN COMMUNITY SURVEY

Demographic data collected on workers in the Pioneer Valley comes from the American Community Survey Public Use Microsample (ACS PUMS). The ACS is a representative household survey conducted by the US Census Bureau. It is worth keeping in mind that since the ACS is a sample rather than a full census count it is prone to greater error. As a result a multi-year American Community Survey sample (2010-4) was used to capture accurate sample size for the small geographic area. The five-year sample is representative of the demographic and employment characteristics of the region over a 60-month period.

Additionally, it is important to note that the ACS does not use standard geographic areas such as towns and counties. Instead, it uses its own jurisdictions known as PUMAs (Public Use Micro-Sample Areas). These areas have a minimum population of 100,000 in order to maintain the anonymity of respondents and are the lowest level of geography for the survey. The PUMA boundaries do not map on exactly to the standard Pioneer Valley regional boundaries. In the PUMS boundaries, two areas from the Berkshires are added, as is one community from the Central region. Since none of these areas include any major employment centers, they remain roughly equivalent.^x

BUREAU OF LABOR STATISTICS

Wage data on workers comes from the Bureau of Labor Statistics Employment Survey. The geographic areas covered in this survey are incongruous with the areas covered by the ACS. As a result data on wages and hours for the region focus on the Hampshire/Franklin Workforce Development Area. While this is a smaller geographic area than is covered by the PUMAs, the high population concentration makes it suitable for comparison.

OVERVIEW OF RESTAURANT INDUSTRY IN THE PIONEER VALLEY

The city of Northampton is an important hub to the larger region known as the Pioneer Valley. The Pioneer Valley is comprised of three counties (Hampshire, Hampden and Franklin). The restaurant industry throughout the region is thriving, and these restaurants contribute to the region's reputation as a bucolic tourist destination, and to the region's economy as a whole. The area includes about 1,400 restaurants and bars across Hampshire, Hampden and Franklin counties. These establishments employ over 20,000 workers, or 8.4% of the region's workforce.

In this section we look at the restaurant industry across the Pioneer Valley region, focusing on the characteristics of the restaurant industry workforce. The number of establishments in the restaurant industry in the Pioneer Valley is roughly what it was 10 years ago. Following a pattern that is similar to the rest of the US, the number of restaurant establishments declined following the recession in 2008, and has now rebounded to roughly what it was in the pre-recession period. While the number of establishments in the Pioneer Valley as a whole has remained roughly the same over the last ten years, it is worth noting that there have been significant variations among the counties. For example, the number of restaurants in Hampshire County increased 11.6% from 2002 to 2011, while the number of establishments in Hampden county increased by only 1.6% in that same period.^{xi}

CHARACTERISTICS OF THE WORKFORCE

Many of the jobs in the restaurant industry require little formal training. As a result, the industry is an important point of entry to the labor market, particularly for younger and immigrant workers. Census data presented in Table 1 reveals that the restaurant industry in the Pioneer Valley is younger and has a greater proportion of women and people of color, when compared to all other industries in the Pioneer Valley.

Table 1: Demographic Profile of Springfield, Massachusetts Restaurant Workers, 2010-2015

	Restaurant	All Other		Restaurant	All Other
GENDER			PLACE OF BIRTH		
Male	42.4%	48.7%	U.S.	89.6%	86.7%
Female	57.1%	51.3%	Latin America	3.2%	4.0%
			Europe	3.2%	3.0%
SERVERS			Asia	2.9%	5.4%
Male	17.0%		Africa	0.6%	0.5%
Female	83.0%		Other	0.4%	0.3%
AGE			YEARS IN THE U.S.		
16-24	44.9%	16.2%	Born in the US	83.50%	85.20%
25-44	36.6%	36.5%	0-5 years	2.70%	2.20%
45-64	16.7%	41.9%	6-10 years	3.90%	2.00%
65 and older	1.8%	5.4%	11-15 years	3.00%	1.60%
			16-20 years	2.20%	1.90%
RACE/ETHNICITY			21 or more	4.70%	6.40%
White	75.6%	79.1%			
Black	4.3%	5.7%	ABILITY TO SPEAK ENGLISH		
Asian	4.6%	2.7%	Speaks only English	79.9%	84.5%
Latino	13.1%	10.9%	Speaks very well	10.9%	10.3%
Other	2.4%	1.4%	Speaks well	5.0%	2.8%
NATIVITY			Speaks, but not well	3.3%	1.9%
Citizen	92.6%	95.2%	Does not speak English	0.9%	0.5%
Not a Citizen	7.4%	4.8%			
			EDUCATION		
			Less than a high school degree	17.8%	8.2%
			High School Degree	31.0%	24.3%
			Some college	38.7%	34.5%
			Bachelor's degree and higher	12.5%	33.0%

Source: American Community Survey (2010-2015). Ruggles, Steven, Alexander J. Trent, Genadek Katie, Goeken Ronald, Schroeder Matthew B., and Soebek Matthew, Integrated Public Use Microdata Series: Version 5.0 [Machine-readable database], (Minneapolis: Minnesota Population Center, 2010).

GENDER

Women make up 57.1% of the restaurant industry's overall workforce as compared to 51.3% of the employed workforce in the Pioneer Valley as a whole. Among servers, the number of women is significantly higher, with 83% of all serving positions held by women.

AGE

The overall age of workers in the Pioneer Valley restaurant industry is younger than workers in the region as a whole. This is consistent with findings about restaurant workers around the country. Almost 45% of workers employed in the Pioneer Valley restaurant industry are between the ages of 16-24. This is more than twice the number of all other employed workers in the Pioneer Valley in that same age category. Among employed restaurant workers, only 16.7% are between the ages of 45 and 64 as compared to 41.9% of all other types of employed workers in the Pioneer Valley.

RACE/ETHNICITY

The racial and ethnic composition of workers in the Pioneer Valley restaurant industry is similar to the composition of workers in all other industries. Among restaurant workers, 75.6% are white. When we look at workers employed in all other industries in the Pioneer Valley, 79.1% are white. Approximately 24.4% of restaurant workers are Black, Asian, Latino or other workers of color, this compares to 20.8% among all other workers. The number of Latino workers is slightly higher in the restaurant industry with 13.1% of restaurant workers identifying as Latino, as compared to 10.9% among workers in other industries.

CITIZENSHIP

Among restaurant workers in the Pioneer Valley 13.3% are foreign born as compared to 10.4% in all other industries.

EDUCATION

The restaurant industry in the Pioneer Valley, similar to the rest of the nation, is an important source of jobs for workers with little formal education. Among workers in the restaurant industry 17.8% have less than a high school education, as compared to 8.2% among employed workers in all other industries. Fifty one percent of workers have some college compared 67.5% among all other workers in the Pioneer Valley.

WAGES

Data from the Bureau of Labor Statistics reveals that the vast majority of food preparation or serving jobs provide poverty level wages. Looking at the Hampshire/Franklin Workforce Development Area we find that the average hourly wage for food preparation and serving occupations in 2015 was \$11.84 as compared to \$23.62 for all occupations. The average experienced wage for food occupations was \$13.15, compared to \$29.82 for all occupations. The highest paying occupations in the food sector are chefs and head cooks who have an average hourly wage of \$23.13. Looking at all other job categories however, we find that many of them are at or near the minimum wage level.

Table 2: Occupational Employment and Wage Statistics for Food and Serving Occupations in the Hampshire/Franklin WDA (2015)

SOC Code	Occupation Title	Employment	Median Wage	Mean Wage	Entry Wage	Experienced Wage
00-0000	Total, All Occupations	101,230	\$18.83	\$23.62	\$11.21	\$29.82
35-0000	Food Preparation and Serving Related Occupations	10,230	\$10.44	\$11.84	\$9.23	\$13.15
35-1011	Chefs and Head Cooks	140	\$21.51	\$23.13	\$16.57	\$26.42
35-1012	First-Line Supervisors of Food Preparation and Serving Workers	720	\$16.90	\$17.53	\$13.02	\$19.79
35-2012	Cooks, Institution and Cafeteria	450	\$14.77	\$15.74	\$11.50	\$17.86
35-2014	Cooks, Restaurant	970	\$10.48	\$11.13	\$9.16	\$12.12
35-2015	Cooks, Short Order	300	\$12.85	\$12.78	\$10.46	\$13.94
35-2021	Food Preparation Workers	510	\$10.36	\$11.37	\$9.26	\$12.42
35-3011	Bartenders	800	\$9.33	\$10.70	\$9.22	\$11.45
35-3021	Combined Food Preparation and Serving Workers, Including Fast Food	2,310	\$10.24	\$10.61	\$9.40	\$11.21
35-3022	Counter Attendants, Cafeteria, Food Concession, and Coffee Shop	620	\$9.32	\$9.93	\$9.21	\$10.29
35-3031	Waiters and Waitresses	2,130	\$9.45	\$11.43	\$9.16	\$12.56
35-3041	Food Servers, Nonrestaurant	240	\$11.42	\$12.18	\$10.21	\$13.17
35-9011	Dining Room and Cafeteria Attendants and Bartender Helpers	260	\$11.14	\$11.94	\$9.33	\$13.25
35-9021	Dishwashers	440	\$9.70	\$10.27	\$9.22	\$10.79
35-9031	Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop	190	\$10.32	\$10.80	\$9.19	\$11.60

Source: Bureau of Labor Statistics, Occupation Employment Statistics, 2015. Selection Criteria Used Geography: Workforce Investment Area Area: Franklin/Hampshire WDA Time Period: May 2015 Occupation: Food Preparation and Serving Related Occupations

EXPERIENCE OF NORTHAMPTON RESTAURANT WORKERS

The City of Northampton lies alongside the Connecticut River approximately 20 miles north of the city of Springfield, at the end of the “Knowledge Corridor”. The Northampton Community and Economic Development office describes the city as offering a “sophisticated rural lifestyle rich in cultural, artistic, academic, and business resources.”^{xii} And indeed it does, with a lively downtown full of shops, restaurants, theaters and galleries. The town is home to Smith College and its students and faculty are an important influence on the local economy.^{xiii} The city is also strongly influenced by the other colleges in the region including Amherst College, Hampshire College, Mount Holyoke College and the University of Massachusetts. These colleges and universities help provide a strong economic base as well highly educated workforce.

At the heart of the city’s planning process has been an ongoing commitment to sustainability. Beginning in 2005, the city set out to create a vision for the city of Northampton that committed the city, “to becoming a model community for sustainable policies and practices.” This commitment to sustainability has not gone unrecognized. In 2014, Northampton was awarded the highest 5-STAR rating by the STAR program which administers a local certification program measuring a community’s social, economic and environmental sustainability.^{xiv}

The following section reviews the data from a survey conducted of workers in the Northampton restaurant industry. According to the 2010 census, the population of Northampton is just over 28,000. The labor force is approximately 15,800 with just under 10% employed in food and drink establishments.^{xv} Table 3 below provides a breakdown of the types of establishments within the city, as well as the number of employees. In 2012, there were 92 restaurants and other eating places in the city. The majority of these are full-service restaurants where there is a wait staff and food is consumed on the premises. There were also another 23 limited service-restaurants where customers pay for food prior to eating. In addition, there were 18 snack and nonalcoholic beverage bars. These are primarily establishments engaged in serving one specialty snack like ice cream or frozen yogurt.

Table 3: Number of Establishments, Employees and Annual Payroll for Northampton Accommodation and Food Service Industries (2012)

NAICS code	Meaning of NAICS code	Number of establishments	Annual payroll (\$1,000)	Number employees
72	Accommodation and food services	105	29,993	1,982
7224	Drinking places (alcoholic beverages)	6	467	53
7225	Restaurants and other eating places	92	25,654	1,620
72251	Restaurants and other eating places	92	25,654	1,620
722511	Full-service restaurants	51	16,620	1,029
722513	Limited-service restaurants	23	5,357	381
722515	Snack and nonalcoholic beverage bars	18	3,677	210

Source: Census, Economic Census, 2012.

Our sample includes workers from all three types of establishments and also employed in a range of occupations from servers and baristas, to prep cooks and dishwashers. Appendix A provides demographic data for all of the survey respondents. Data from the survey is supplemented with interviews conducted of restaurant workers that serve to illustrate the human impact of many of the survey’s findings. Table 3 provides the occupational breakdown of workers surveyed in the Northampton restaurant workers survey. The job breakdown is similar to the breakdown found across the industry.

Table 4: Jobs held by workers in the Northampton restaurant worker survey

11%	Bartenders
34%	Food prep
20%	Counter persons
35%	Servers

WAGES AND BENEFITS

WAGES

“I would wish that employers pay their workers a consistent living wage instead of having a tip jar out in front and expecting customers to subsidize their worker's wages for them.” Jack, 25

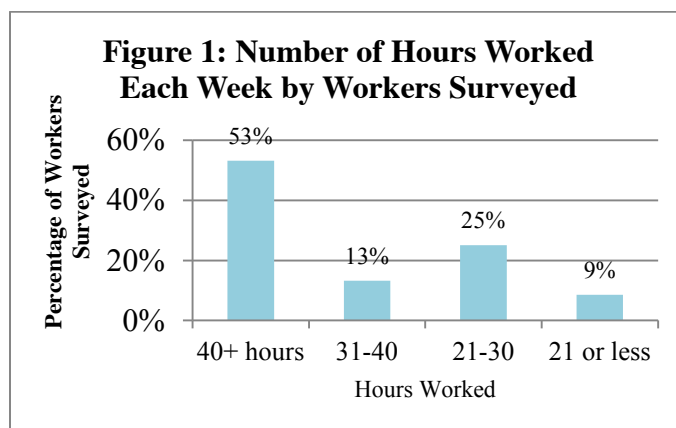
Similar to findings from government and industry data, our survey found that restaurant work in Northampton is primarily low-wage work. Hourly wages for workers ranged from \$8.63 to \$22. The lowest wages in this sample were held by workers who received a weekly or monthly wage. Across all occupations respondents earned an average \$11.20 per hour, including any tips. The average weekly earnings was \$380 after taxes. This is slightly higher than the average weekly wages of \$322 reported by the Bureau of Labor Statistics for the food services and drinking places in Northampton.^{xvi}

While many of the workers surveyed did earn above the minimum wage in Massachusetts (\$10.00), this number is still not enough to meet the basic needs of single person living without children. In total we found that 78% of the workers surveyed did not make what would be considered a living wage (\$13.18 per hour).^{xvii}

One reason for the low pay across the industry is that Massachusetts, like many other states, allows tipped workers to be paid a sub-minimum wage of \$3.35 per hour. While employers are required to pay the difference if a worker’s tips do not bring them to the state regulated minimum wage, this can be difficult to keep track of for employers and employees alike. As a result this rarely happens in practice.^{xviii} One consequence of these low wages across the industry is that 35% of the respondents in the survey report that they also work at another job.

HOURS

Fifty-three percent of the respondents in our sample worked more than 40 hours per week. Thirty four percent worked 30 hours or fewer. Figure 1 provides an overview of the number of hours worked by survey respondents. It is also worth noting here that for many of our respondents (30%) said their hours varied weekly.



BENEFITS

“We don’t have medical, we don’t have 401K, we don’t have a pension, we don’t have anything that takes care of us or a safety net. We have to make sure that there’s a nest egg somehow. Or that we take care of ourselves. And a lot of people in the service industry live paycheck to paycheck, so it’s scary. If I get sick I still have to work. If I get hurt I still have to work. I can’t afford to take time off in order to...you know? And that’s just not fair to people.” Derrick, 34

Restaurant work in Northampton, like other forms of low-wage work, is associated with few benefits. The vast majority of survey respondents did not receive employer sponsored health insurance. While many (45%) reported that they received health insurance through a family member, about 20% of respondents said they relied on the state funded MassHealth plan.

In addition, as shown in Table 4, few of the respondents had access to paid sick and vacation time. It is worth noting here that in 2014, Massachusetts passed earned sick time legislation making it possible for workers to accrue up to 40 hours of paid sick leave in each year. In Northampton’s smallest restaurants (fewer than 11 employees) however, workers are exempt from this requirement. While the legislation does impact workers in larger establishments, the lack of resources for employers surrounding the implementation of the law means that there are significant issues with compliance.

Table 5: Job Benefits Reported in the Northampton restaurant worker survey

94%	Do not receive health insurance from employer
95%	Do not get paid sick days
95%	Do not get paid vacation days
80%	Have worked when sick

WORKING CONDITION VIOLATIONS

WAGE THEFT

Wage theft is a particularly prevalent problem in the restaurant industry. Wage theft occurs when employers violate established wage and hour laws and as a result workers receive less money than they are owed. National studies of wage theft among low-wage workers find that more than two-thirds of workers experience one pay related violation each week amounting to an average loss of \$51 per week or \$2,634 annually. These lost wages have significant impacts on workers, their families and the community.^{xix}

In the restaurant industry wage theft occurs in a number of ways. First, this happens as workers come in early or stay late, working off-the-clock and not being paid for all of their time. Twenty-two percent of the respondents in the survey reported that they at least occasionally worked off-the-clock without being paid. Second, this occurs as workers fail to be paid overtime for hours worked over 40 hours per week. Among our respondents we found that in fact very few workers (35%) who work in excess of 40 hours a week receive overtime pay.

A third way that wage theft occurs is among tipped workers who complete substantial amounts of side work while only receiving the tipped minimum wage. According to wage and hour laws, a tipped worker who spends a substantial (20%) amount of time performing work that does not generate tips is required to be paid minimum wage for that time. This rarely occurs in practice and is another way in which workers fail to be fully compensated for their work.

Based on the interviews with workers, we also found that some employees are paid a flat weekly wage rate and then frequently asked to work in excess of 60 or 70 hours a week, leaving them with an hourly rate well below the minimum wage.

Table 6: Wage Theft Reported in the Northampton Restaurant Worker Survey

65%	Never received overtime pay
22%	Worked off the clock without pay past 12 months

SCHEDULING

“The restaurant industry fluctuates and changes, especially in Northampton and the Pioneer Valley where so much of the population is seasonal but clear and many restaurants only schedule a week out and you might be working Sunday night and only then know you'll be coming in Monday. It's difficult and it takes a toll on the quality of life for restaurant workers and that should change.” Katherine, 23

Scheduling can be a major issue for workers in the restaurant industry. More than 40% of the workers surveyed reported that their schedule changed frequently. This can have significant impacts on workers' lives, particularly when it comes to meeting the responsibilities of children and families.

HEALTH AND SAFETY

“When I worked there we used ovens to make steak using carbon, that’s how we cooked the break, the temperature of the oven could burn you very easily. The heat can also fatigue you. I got burned three times working there, in a restaurant you need to forget you got burned, it relatively easy since your body is so hot. Restaurant work isn’t easy.” John, 22

Working conditions in the restaurant industry often put the health and safety of workers at risk. Only about a third of the respondents reported receiving health and safety training from their employer. Approximately 55% of workers reported that they had been burned on the job. Thirty-two percent of respondents had been cut while at work.

Table 7: Health and Safety Reported in the Northampton Restaurant Workers’

Survey	
94%	Did not receive health and safety training from employer
55%	Been burned at work
32%	Been cut at work

One of the major causes of health and safety issues in the workplace is understaffing. Table 7 reveals some of the ways in which this understaffing impacts workers. More than three quarters of respondents reported that they often performed multiple jobs at once. More than half claimed that they were forced to perform tasks without proper training, and about a quarter claimed that at some point they did something that put their safety or the safety of customers at risk.

Table 8: Health and Safety Reported in the Northampton Restaurant Workers’

Survey	
78%	Performed multiple jobs at once
55%	Forced to perform tasks without proper training
27%	Forced to take actions that put their own safety at risk
24%	Forced to take actions that put the safety of customers at risk

DISCRIMINATION AND LACK OF JOB MOBILITY

Our survey and interview research reveals that workers have very different experiences and earning potentials depending on the worker’s occupation and the type of restaurant. Not surprisingly, white workers who were more likely to be servers in fine dining establishments, had the highest wages, while workers of color who were more likely to be clustered in back-of-the-house jobs had among the lowest.

Sexual harassment was named as an issue on the job by almost a quarter of survey respondents. Workers reported that this harassment came not just from managers, but also from co-workers and customers.

Approximately 30% of workers we surveyed reported receiving some kind of verbal harassment on the job. Of those who reported harassment, 35% said that it was because of gender and another 30% claimed that it was because of race or immigration status. In addition, approximately 20% of workers described being more severely disciplined than others. Similar to the incidence of verbal harassment, 30% claimed that this was because of race or immigration status.

Table 9: Abuse at Work Reported in the Northampton Restaurant Workers' Survey

30%	Experienced some sort of verbal harassment in the job
24%	Experienced sexual harassment in the job
20%	Disciplined more severely than others

Discrimination is one cause of limited mobility in the industry. More than half of the respondents did not receive any ongoing training from their employer. In addition, as described in Table 9, few workers received an opportunity to apply for a better job or to receive a promotion.

Table 10: Lack of Job Mobility Reported in the Northampton Restaurant Workers' Survey

51%	No ongoing job training by employer
72%	Never had an opportunity to apply for a better job
75%	Never received a promotion

Taken together the experience of discrimination and the lack of opportunities for promotion leave many workers stuck in low paying jobs.

CONCLUSION AND POLICY RECOMMENDATIONS

This research has documented widespread incidence of wage theft, discrimination and health and safety violations in the restaurant industry. Currently there does not exist an adequate regulatory structure in place monitor workplace violations. As a result, employers who do follow the law and provide a living wage and benefits to their workers are put at a competitive disadvantage. There is a compelling opportunity to improve conditions across the restaurant industry and to ensure that the community's commitment to sustainability and to providing high quality fresh food is matched by a commitment to providing high quality, fair jobs for workers and eliminating instances of wage theft and abuse.

There exist a number of key policy measures that could really make a difference in improving conditions throughout this industry.

Implement a Wage Theft Prevention Ordinance

A Wage Theft Prevention Ordinance would ensure that the city is not doing business with, or providing licenses to, firms that have been shown to be in violation of state or federal labor or employment laws. Most businesses require some sort of licenses or permits from the city in order to operate. For some, this is simply a city business license with few rules attached. In order cases however, the regulation is much more detailed and closely monitored, as in the case of liquor licenses or health permits. One way to raise compliance with employment laws is to require employers to disclose any outstanding wages owed and judgments or orders of unpaid wages, and to pay all wages due, as a condition for issuance or renewal of business licenses or registrations. Over the last several years, the cities of Somerville, Cambridge and Boston have passed similar measures.

Strengthen enforcement of employment laws in the restaurant industry and make sure that violators are penalized.

Currently there exist a number of key state and federal government agencies involved in enforcing employment, anti-discrimination and health and safety laws. Often times however, workers are unaware of their rights or fear retaliation. As a result it is not enough to have a system of enforcement that relies solely on worker complaints. It is important to engage affirmative efforts to protect vulnerable workers.

Support collective organizing for restaurant workers.

The city of Northampton clearly articulated its support of collective organizing when the city council passed a Right to Organize Resolution in 2012 that stated support for the right of workers to organize, and called on employers to recognize the rights of workers to be treated with respect and dignity and to receive a fair wage.^{xx} This resolution is a good first step and this commitment should be reaffirmed.

Use opportunities to create public awareness and to enhance recognition for responsible employers.

Throughout the city there are examples of employers who have taken the “high-road,” offering livable wages, maintaining a healthy workplace and creating opportunities for advancement. We should seek to recognize these establishments and create opportunities to share best practices.

APPENDIX A

SURVEY RESPONDANT DEMOGRAPHICS (SAMPLE SIZE 235)

AGE

25 and under	95
26-35	85
36-45	45
46-55	8
Over 55	2

RESTAURANT SEGMENT

Fine Dining	32
Family Style	80
Quick Service	108
Other	15

NATIVITY

Born in the US	205
Foreign Born	30

GENDER

Male	95
Female	140

RACE/ETHNICITY

White	185
Black	5
Latino	35
Asian	8
Other	

POSITION

Front of the House	155
Back of the House	80

Source: Northampton Restaurant Worker Survey

NOTES:

ⁱ ROC United. *Behind the Kitchen Door: A Multi-site Study of the Restaurant Industry*. New York: ROC United, 2011.

ⁱⁱ Massachusetts Restaurant Association. *Massachusetts Restaurant Industry at a Glance*. 2015.
http://www.restaurant.org/Downloads/PDFs/State-Statistics/2015/MA_Restaurants2015

ⁱⁱⁱ Pew Hispanic Center, 2010. Statistical Portrait of the Foreign Born Population in the United States, 2008. Downloaded March 2016. Available at: <http://pewhispanic.org/factsheets/factsheet.php?FactsheetID=59>.

^{iv} "Employment and wages for the highest and lowest paying occupations, May 2014" *US Bureau of Labor Statistics* <http://www.bls.gov/oes/2014/may/high_low_paying.htm>

^v ROC United. *Behind the Kitchen Door: A Multi-site Study of the Restaurant Industry*. New York: ROC United, 2011.

^{vi} Parks, Chanel. "16 U.S. Cities To Visit If All You Want To Do Is Eat" December 2015.
http://www.huffingtonpost.com/entry/cities-to-visit-for-food-eat-all-day-all night_us_56687cc2e4b009377b2368b3

^{vii} 2012 U.S. Census Bureau, Economic Census www.census.gov. NAICS Code 7225 – Restaurants and Other Eating Places.

^{viii} According to the 2010 census, the population of Northampton is just over 28,000. The labor force is approximately 15,800 with just under 10% employed in food and drink establishments (NAICS Code 7225).

^{viii} Data on the number of establishments verified using online sources and through a visual inspection of the town. This number also includes the restaurants located in the communities of Florence and Leeds.

^{ix} Lohr, Sharon. *Sampling: design and analysis*. Nelson Education, 2009.

^x Pioneer Valley Regional PUMA includes 200, 1600, 1700, 1800, 1900, 2000.

^{xi} 2012 U.S. Census Bureau, Economic Census www.census.gov

^{xii} Pioneer Valley Planning Commission (PVPC). 2006. "Northampton Community Indicator Final Report." Downloaded April 2015. <http://www.northamptonma.gov/opd/uploads/listWidget/4027/Indicators.pdf>.

^{xiii} "Smith's Impact in Northampton." Smith College, n.d. <<http://www.smith.edu/impact>>.

^{xiv} "Northampton's 5-STAR Community Rating, the first US community awarded this "top tier achiever in national sustainability." City of Northampton. 2014. <http://www.northamptonma.gov/1356/Assessing-Sustainability>

^{xv} 2012 U.S. Census Bureau, Economic Census www.census.gov. NAICS Code 7225 – Restaurants and Other Eating Places.

^{xvi} U.S. Department of Labor, Bureau of Labor Statistics (BLS). 2014. Northampton Monthly Census of Employment and Wages. NAICS 722. Available at: <http://www.bls.gov/>

^{xvii} This figure is the living wage to cover a single person with no children. It includes basic needs such as housing, clothes, health care and transportation. The wage is adjusted yearly based on changes in the Consumer Price Index.

For more details see Living Wage of Western Massachusetts. <http://www.livingwagewesternmass.net/about-living-wage>.

^{xviii} Allegretto and Filion, *Waiting for Change: The \$2.13 Federal Subminimum Wage*, 2011.

^{xix} Bernhardt, Annette, Michael W. Spiller, and Diana Polson. "All work and no pay: Violations of employment and labor laws in Chicago, Los Angeles and New York City." *Social forces* 91, no. 3 (2013): 725-746.

^{xx} Northampton City Council. "Resolution: Right to Organize" July 12, 2012.
<http://northamptonma.gov/DocumentCenter/View/1109>